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7 CLASS COUNSEL

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 JAMES RAFTON, TRUSTEE OF THE
JAMES AND CYNTHIA RAFTON TRUST,
13 et al.,

No. CV 10-01171 LHK

Action Filed: March 19, 2010

14 Plaintiffs,

15 v.

16 RYDEX SERIES FUNDS; et al.,

17 Defendants.

AMENDED [PROPOSED] ORDER
AWARDING ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION
EXPENSES AND LEAD PLAINTIFFS'
COSTS AND EXPENSES

18 CLASS ACTION

1 Class Counsel's Motion for Attorneys' Fees and Reimbursement of Litigation Expenses
 2 and for Reimbursement of Lead Plaintiffs' Costs and Expenses ("Fee Motion") duly came before
 3 the Court for hearing on February 9, 2012. The Court has considered the Fee Motion and
 4 supporting materials, and all matters presented at the February 9, 2012 hearing. The Fee Motion
 5 and the supporting materials include detailed descriptions of the work performed and evidence of
 6 prevailing market rates. Due and adequate notice having been given to the Class as required by
 7 the Court's Order Granting Preliminary Approval of Settlement and Approval of Notice Plan
 8 ("Preliminary Approval Order," Dkt. 99), and the Court having considered all papers filed and
 9 proceedings herein, and otherwise being fully informed of the proceedings, and good cause
 10 appearing therefor,

11 NOW, IT IS HEREBY ORDERED:

12 1. This Order incorporates by reference the Stipulation and Agreement of
 13 Settlement, dated as of July 28, 2011 (Dkt. 97) ("Stipulation"), and all capitalized terms used, but
 14 not defined herein, shall have the same meaning as in the Stipulation.

15 2. The Court has jurisdiction over the subject matter of the above-captioned action
 16 and all parties to the action, including all members of the Class.

17 3. Class Counsel's Fee Motion is hereby GRANTED.

18 4. The Court hereby awards attorneys' fees of \$1.375 million (25% of the \$5.5
 19 million Settlement Amount), payable to Class Counsel.

20 5. The Court grants Class Counsel's request for reimbursement of Class Counsel's
 21 litigation expenses in the amount of \$105,959.58, payable to Class Counsel.

22 6. The Court grants Lead Plaintiff James Rafton's request for reimbursement in the
 23 total amount of \$13,353 for his costs and time spent directly relating to his representation of the
 24 Class.

25 7. The Court grants Lead Plaintiff James Darst's request for reimbursement in the
 26 total amount of \$12,198 for his costs and time spent directly relating to his representation of the
 27 Class.

1 8. The awarded attorneys' fees and litigation expenses, and reimbursement to Lead
2 Plaintiffs may be paid immediately upon entry of this Order, subject to the terms, conditions, and
3 obligations of the Stipulation.

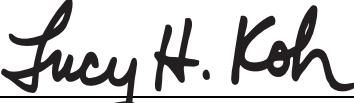
4 9. The Court finds that an award of 25% of the Settlement Amount is consistent with
5 the Ninth Circuit's "benchmark," and is fair and reasonable in light of, among others, the
6 following factors: the contingent nature of the case; the risks of litigation; the quality of the legal
7 services rendered; the benefits derived by the Class; awards made in similar cases; the lodestar
8 cross-check, which yields a 1.13 multiplier; and the reaction of the Class.

9 10. The Court further finds that the request for reimbursement of litigation expenses is
10 reasonable in light of Class Counsel's prosecution of this Action against Defendants on behalf of
11 the Class.

12 11. There is no just reason for delay in the entry of this Order, and immediate entry of
13 this Order by the Clerk of the Court is expressly directed.

14 IT IS SO ORDERED.

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16 DATED: February 9, 2012

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18 THE HONORABLE LUCY H. KOH
19 UNITED STATES DISTRICT JUDGE

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